## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

UNITED STATES OF AMERICA		§	
	/		
VS.		§	NO.
		§	
DEFENDANT (01)		§	

## UNITED STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY AGAINST [DEFENDANT]

## TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the United States of America, by and through,
United States Attorney, and, Assistant United States Attorneys, all for
the Eastern District of Texas, pursuant to Title 18, United States Code, Sections 3593(a), and
notifies the Court and the Defendant,, that the Government believes the
circumstances of the offenses charged in Counts One, Two and Three of the Indictment are such
that, in the event of the Defendant's conviction of one or more of these offenses, a sentence of
death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United
States Code, and that the Government will seek the sentence of death for these offenses: Count
One, bank robbery resulting in the death of, in violation of 18 U.S.C./2113(e),
Count Two, the firearm murder of, during and in relation to a crime of
violence, in violation of 18 U.S.C. 924(j), and Count Three, bank robbery resulting in the death of
, in violation of 18 U.S.C. /2113(e), all of which carry a possible sentence of
death.

The Government proposes to prove the following factors as justifying a sentence of death. I. Count One - 18 U.S.C. § 2113(a),(d) and (e)- Death of \_\_\_\_\_ Α. Statutory Proportionality Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) through (D)\_ **Intentional Killing.** The defendant, \_\_\_\_\_, intentionally killed the 1. victim, \_\_\_\_\_. 18 U.S.C. § 3591(a)(2)(A). 2. Intentional Infliction of Serious Bodily Injury. The defendant, \_\_\_\_\_, intentionally inflicted serious bodily injury that resulted in the death of the victim, \_\_\_\_\_. 18 U.S.C. § 3591(a)(2)(B). **3.** Intentional Acts to Take a Life or Use Lethal Force. The defendant, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim, \_\_\_\_\_\_, died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C). Reckless Disregard of Life. The defendant, \_\_\_\_\_, intentionally and 4. specifically engaged in an act of violence knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, \_\_\_\_\_, died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D). В. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)

1.	Heinous, Cruel, or Depraved Manner of Committing Offense. The
defendant,	, committed the offense in an especially heinous, cruel, and
depraved man	ner in that it involved torture or serious physical abuse to the victim,
	18 U.S.C. § <i>3592(c)(6)</i> .
2.	Pecuniary Gain. The defendant,, committed the offense
as considerati	on for the receipt, and in the expectation of the receipt of something of pecuniary
value, specific	eally money. 18 U.S.C. § 3592(c)(8).
State	Statutory Aggravating Factors Enumerated Pursuant to Title 18, United s , Sections 3593(a)
1.	Participation in Multiple Killings. The defendant,,
participated in	a killing more than one person, in that he participated in the killings of
and	in addition to killing
2.	Obstruction of Justice. The defendant,, committed the offense in
an effort to in	sure that the victim,, would not be able to assist in the investigation or
prosecution of	f him for his criminal activities.
3.	Victim Impact Evidence. The defendant,, caused injury, loss
and harm to the	ne family of because of s personal characteristics as
an individual	human being and the impact of s death upon his family.
4.	Future Dangerousness of the Defendant. The defendant,, is
likely to comr	nit criminal acts of violence in the future which would be a continuing and serious
threat to the li	ves and safety of others. In addition to the capital offenses charged in the
Indictment an	d the statutory and non-statutory aggravating factors alleged in this Notice,

eviden	ce of the	e defend	ant s future dangerousness includes, but is not limited to, one or more of	
the foll	lowing:			
		(a)	[Defendant] displayed a lack of remorse for his role in the killings of, and	
		(b)	[Defendant] has demonstrated a low rehabilitative potential in that prior efforts to rehabilitate and/or deter him from criminal conduct have failed.	
		(c)	[Defendant s] conduct in the instant offense is part of a pattern of continuing and escalating criminal behavior.	
		(d)	The defendant,, committed a violation of 18 U.S.C. § 2113(a) and (d) as described in Count One, a violation of 18 U.S.C. §1951(a) as described in Count Two, and a violation of 18 U.S.C. § 2113(a) and (d) as described in Count Three, after substantial planning and premeditation.	
II.	Count	Two -	18 U.S.C. § 924(j) and 18 U.S.C. § 1951(a) - Murder of	
A. Statutory Proportionality Factors Enumerated Pursuant to Title 18, United S Code, Sections 3591(a)(2)(A) through (D)				
	1.	Intent	ional Killing. The defendant,, intentionally killed the victim,	
		18 U	.S.C. § 3591(a)(2)(A).	
	2.	Intent	ional Infliction of Serious Bodily Injury. The defendant,	
		, intenti	ionally inflicted serious bodily injury that resulted in the death of the	
victim,	,	1	8 U.S.C. § 3591(a)(2)(B).	
	3.	Intent	ional Acts to Take a Life or Use Lethal Force. The defendant,	
		intentio	onally participated in an act, contemplating that the life of a person would	
be take	en or inte	ending t	hat lethal force would be used in connection with a person, other than one	
of the 1	participa	ınts in tl	he offense, and the victim,, died as a direct result of the act.	
18 U.S	s.C. § 35	591(a)(2	)(C).	

	4.	Reckless Disregard of Life. The defendant,	, intentionally and		
specific	cally eng	gaged in an act of violence knowing that the act created a	grave risk of death to a		
person,	other t	than one of the participants in the offense, such that part	ticipation in the act		
constitu	uted a re	eckless disregard for human life and the victim,	, died as a direct		
result o	of the ac	et. 18 U.S.C. § 3591(a)(2)(D).			
В.		ory Aggravating Factors Enumerated Pursuant to T Sections 3592(c)(1) through (16)			
	1.	Pecuniary Gain. The defendant,	, committed the offense as		
conside	eration f	for the receipt, and in the expectation of the receipt of so	omething of pecuniary		
value, s	specifica	ally money. 18 U.S.C. § 3592(c)(8).			
C.	Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3593(a)				
	1.	Participation in Multiple Killings. The defendant, _			
particip	oated in	killing more than one person, in that he participated in t	he killings of		
		and in addition to killing	_·		
	2.	Victim Impact Evidence. The defendant,	, caused injury, loss		
and har	m to the	e family of because of s per	sonal characteristics as an		
individ	ual hum	nan being and the impact ofs death upon hi	s family.		
	3.	Future Dangerousness of the Defendant. The defen	dant,, is		
likely t	o comm	nit criminal acts of violence in the future which would be	a continuing and serious		
threat t	o the liv	ves and safety of others. In addition to the capital offens	es charged in the		
Indictn	nent and	d the statutory and non-statutory aggravating factors alle	ged in this Notice,		

evidence of the	defenda	ant s future dangerousness includes, but it not limited to, one or more of			
the following:					
	(a) [Defendant] displayed a lack of remorse for his role in the killings of, and				
	(b) [Defendant] has demonstrated a low rehabilitative potential in that prince efforts to rehabilitate and/or deter him from criminal conduct have failed				
	(c)	[Defendant s] conduct in the instant offense is part of a pattern of continuing and escalating criminal behavior.			
	(d)	The defendant,, committed a violation of 18 U.S.C. § 2113(a) and (d) as described in Count One, a violation of 18 U.S.C. §1951(a) as described in Count Two, and a violation of 18 U.S.C. § 2113(a) and (d) as described in Count Three, after substantial planning and premeditation.			
III. Count	Three -	18 U.S.C. § 2113(a)(d) and (e) - Death of			
	-	portionality Factors Enumerated Pursuant to Title 18, United States 3591(a)(2)(A) through (D)			
1.	Intenti	onal Acts to Take a Life or Use Lethal Force. The defendant,			
, int	entional	ly participated in an act, contemplating that the life of a person would be			
taken or intend	ing that	lethal force would be used in connection with a person, other than one of			
the participants	in the o	offense, and the victim,, died as a direct result of the act.			
18 U.S.C. § 35	91(a)(2)	(C).			
2.	Reckle	ss Disregard of Life. The defendant,, intentionally			
and specifically	engage	d in an act of violence knowing that the act created a grave risk of death to			
a person, other	than on	e of the participants in the offense, such that participation in the act			
constituted a re	ckless d	isregard for human life and the victim,, died as a direct result			
of the act. 18 U	J.S.C. §	3591(a)(2)(D).			

В.	Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)				
1.Gra	ave Risk	x of Death to Additional Persons. The defendant,, in the commission of			
the of	fense, a	nd in escaping apprehension for the violation of the offense, knowingly created a			
grave	risk of o	death to one or more persons in addition to the victim 18 U.S.C. §			
3592(	(c)(5).				
	2.	Pecuniary Gain. The defendant,, committed the offense as			
consid	deration	for the receipt, and in the expectation of the receipt of something of pecuniary			
value,	, specific	cally money. 18 U.S.C. § 3592(c)(8).			
	3.	Substantial Planning and Premeditation. The defendant,,			
comm	nitted the	e offense after substantial planning and premeditation to cause the death of a			
persoi	n. 18 U.	S.C. § 3592(c)(9).			
	4.	Multiple Attempted Killings. The defendant,, intended that			
more	than one	e person be killed in a single criminal episode. 18 U.S.C. § 3592(c)(16).			
C.	Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, Unit States Code, Sections 3593(a)				
	1.	Participation in Multiple Killings. The defendant,,			
partic	ipated ir	n killing more than one person, in that he participated in the killing of			
in add	lition to	killing and			
	2.	Obstruction of Justice. The defendant,, committed the offense			
in an	effort to	insure that the victim would not be able to assist in the investigation or			
nrosec	cution o	f him for his criminal activities.			

3.	Victim	Impact Evid	ence. The defe	endant,		, caused injury, loss
and harm to the	family	of	_ because of		s personal ch	aracteristics as an
individual huma	an being	g and the impa	act of	s dea	th upon her fa	mily.
4.	Future	Dangerousn	ess of the Def	fendant. T	he defendant,	, is
likely to commi	it crimin	al acts of viol	lence in the fut	ure which	would be a co	ntinuing and serious
threat to the liv	es and s	afety of other	s. In addition t	to the capit	tal offenses ch	arged in the
Indictment and	the stat	utory and non	ı-statutory aggı	ravating fa	ctors alleged i	n this Notice,
evidence of the	defenda	ant s future da	ingerousness ir	ncludes, bu	t is not limited	d to, one or more of
the following:						
	(a)		displayed a lac			in the killings of
	(b)				-	ootential in that prior conduct have failed.
	(c)	-	] conduct in that escalating cr		-	of a pattern of
	(d)	2113(a) and ( §1951(a) as o	(d) as described lescribed in Co (d) as described	d in Count ount Two, a	One, a violati and a violation	on of 18 U.S.C. § on of 18 U.S.C. n of 18 U.S.C. § ubstantial planning
WHER	EFORE	, the United S	States of Amer	ica, reques	ts that the Co	art and Defendant
take notice of the	he abov	e and for such	other and furt	ther relief a	as is just and p	proper.
				Respect	tfully submitte	ed,
				UNITE	D STATES A	TTORNEY

## Assistant United States Attorney